



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**AUG 3 - 2012**

**By Email and First Class Mail**

Jason Torchinsky, Esq.  
Thomas J. Josefiak, Esq.  
Michael Bayes, Esq.  
Holtzman Vogel Josefiak PLLC  
45 North Hill Drive, Suite 100  
Warrenton, VA 20186  
[jtorchinsky@holtzmanlaw.net](mailto:jtorchinsky@holtzmanlaw.net)

RE: MUR 6466  
Robert Aderholt for Congress  
and Jeff Mobley in his official  
capacity as treasurer

Dear Messrs. Josefiak, Torchinsky, and Bayes:

On July 26, 2012, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of your client, Robert Aderholt for Congress and Jeff Mobley, in his official capacity as treasurer, in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 103.3 of the Commission's Regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Although your client has already paid the civil penalty, please note that, according to the conciliation agreement at ¶ VI.3, your client agreed to file an FEC Form 99 within 60 days that discloses, for the period April 1, 2006, through December 31, 2009: (a) any heretofore undisclosed transactions; (b) the correct transaction dates of any transactions previously reported with incorrect transaction dates; and (c) any disclosed transactions that did not occur.

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Jason Torchinsky, Esq.  
Thomas J. Josefiak, Esq.  
Michael Bayes, Esq.  
MUR 6466 (Robert Aderholt for Congress)  
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If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Michael Columbo" with a stylized flourish at the end.

Michael A. Columbo  
Attorney

Enclosure  
Conciliation Agreement

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 ) MUR 6466  
5 Robert Aderholt for Congress )  
6 and Jeff Mobley, in his official capacity )  
7 as treasurer )  
8

9 **CONCILIATION AGREEMENT**

10  
11 This matter was initiated by a *sua sponte* submission filed with the Federal Election  
12 Commission ("Commission") by Robert Aderholt for Congress and Jeff Mobley, in his official  
13 capacity as treasurer (collectively, the "Committee" or "Respondents"). The Commission found  
14 reason to believe that Respondents violated 2 U.S.C. § 434(b).

15 NOW, THEREFORE, the Commission and the Respondents, having participated in  
16 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
17 as follows:

18 I. The Commission has jurisdiction over the Respondents and the subject matter of  
19 this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.  
20 § 437g(a)(4)(A)(i).

21 II. Respondents have had a reasonable opportunity to demonstrate that no action  
22 should be taken in this matter.

23 III. Respondents enter voluntarily into this agreement with the Commission.

24 IV. The pertinent facts in this matter are as follows:

25 1. Robert Aderholt for Congress is the principal campaign committee of U.S.  
26 Representative Robert Aderholt and Jeff Mobley is the Committee's treasurer.

27 2. The Committee failed to accurately disclose the amounts of its receipts and  
28 disbursements, as well as related cash-on-hand amounts, in each of its reports filed between

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1 May 25, 2006, and June 15, 2010, for activity occurring between April 1, 2006, and  
2 December 31, 2009.

3 3. The Committee's mis-disclosed receipts during this period totaled approximately  
4 \$58,379 and its mis-disclosed disbursements, including undisclosed disbursements, disclosed  
5 disbursements not supported by the Committee's bank records, and disbursements disclosed in  
6 the wrong reporting period, totaled \$129,681.43.

7 4. The Commission and Respondents have also identified \$272,852 in contributions  
8 that were disclosed but not deposited within 10 days of receipt as required by 11 C.F.R.  
9 § 103.3(a).

10 5. The Commission made no knowing and willful findings in this matter.

11 6. The Committee has taken both corrective and precautionary actions since  
12 discovering this reporting issue, including: (a) filing a *sua sponte* submission to notify the  
13 Commission of its self-discovered reporting inaccuracies; (b) instituting regular reconciliation of  
14 bank statements with FEC reports; (c) filing reports that accurately disclose its cash on hand; (d)  
15 hiring a new staff person to be responsible for FEC reporting, and who has attended an FEC  
16 training conference; (e) instituting procedures whereby the Committee's Treasurer is required to  
17 review all bank statements; (f) retaining an accountant to independently review the Committee's  
18 finances; and (g) implementation of controls consistent with the Commission's internal controls  
19 guidance recommended in FEC Notice 2007-9 (April 5, 2007).

20 7. A political committee's disclosure reports must disclose the amount of all of the  
21 committee's receipts and disbursements. 2 U.S.C. § 434(b)(2) and (4). A political committee's  
22 disclosure reports must also disclose the amount of the committee's cash on hand. 2 U.S.C.  
23 § 434(b)(1). Committee treasurers are responsible for the timely and complete filing of

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1 disclosure reports and for the accuracy of the information contained therein. 11 C.F.R.  
2 § 104.14(d).

3 V. Respondents inaccurately disclosed the amount of the Committee's receipts,  
4 disbursements, and cash on hand in reports filed with the Commission, in violation of 2 U.S.C.  
5 § 434(b), and did not deposit contributions within 10 days of receipt as required by 11 C.F.R.  
6 § 103.3(a).

7 VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in  
8 the amount of Thirteen Thousand Dollars (\$13,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

9 2. Respondents will cease and desist from violating 2 U.S.C. § 434(b) and  
10 11 C.F.R. 103.3(a).

11 3. Respondents will file a Miscellaneous Electronic Submission (FEC Form 99)  
12 with the Commission disclosing, for the period April 1, 2006 through December 31, 2009: (a) any  
13 heretofore undisclosed transactions; (b) the correct transaction dates of any transactions previously  
14 reported with incorrect transaction dates; and (c) any disclosed transactions that did not occur.

15 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.  
16 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance  
17 with this agreement. If the Commission believes that this agreement or any requirement thereof has  
18 been violated, it may institute a civil action for relief in the United States District Court for the  
19 District of Columbia.

20 VIII. This agreement shall become effective as of the date that all parties hereto have  
21 executed same and the Commission has approved the entire agreement.

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1 IX. Respondents shall have no more than 60 days from the date this agreement  
2 becomes effective to comply with and implement the requirements contained in this agreement  
3 and to so notify the Commission.

4 X. This Conciliation Agreement constitutes the entire agreement between the parties  
5 on the matters raised herein, and no other statement, promise, or agreement, either written or  
6 oral, made by either party or by agents of either party, that is not contained in this written  
7 agreement shall be enforceable.

8 FOR THE COMMISSION:

9 Anthony Herman  
10 General Counsel

11 BY:   
12 Daniel A. Petalas  
13 Associate General Counsel  
14 for Enforcement

8/2/12  
Date

15 FOR THE RESPONDENTS:

16   
17 (Name) MICHAEL BAYES  
18 (Position) COUNSEL

7/11/2012  
Date

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